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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,264	01/30/2004	Mark J. Beitz	KCC 4908.4 (K-C 16,733.2)	5948
321	7590	09/05/2006	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			TORRES VELAZQUEZ, NORCA LIZ	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768,264

Applicant(s)

BEITZ ET AL.

Examiner

Norca L. Torres-Velazquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 7 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed June 19, 2006 have been fully considered but they are not persuasive.

a. Applicants argue that the cited prior art of O'Connor in combination with Roslund fail to teach or suggest a piece of splicing material having a fluid permeability at least about 25% as great as a fluid permeability of the first portion of absorbent material and at least about 25% as great as the second portion of absorbent material.

It is noted herein the primary reference of O'CONNOR is concerned with the production of a continuous supply of a strip element in the production of absorbent products in which splices are used to produce the continuous supply without compromising the absorbency at the splices. (Refer to Abstract) While the stitches of O'CONNOR could be properly construed as being a splicing material directly attached to the first and second portions of the strip, the Examiner has relied on the ROSLUND reference to provide a splicing material other than the stitches used by O'CONNOR. It is noted that O'CONNOR discloses *"providing a cement strip which is of such character and content in relation to the porosity and absorbent characteristics of relatively thick fabrics used for moisture absorbing purposes that a predetermined quantity of cement will be supplied by the strip adequate to produce a strong bond between adjoining portions of the fabric but no excessive quantity such as to reduce the absorbent capacities of the fabric to an objectionable degree. By carefully controlling the cement content of the strip according to experimental determination, a reliable seam may be formed."* (Col. 1, lines 20-32) It is the Examiner's interpretation that such teaching, while not

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specific as to the percentage of absorbency or fluid permeability, do provide a material that do not compromises the absorbency at the splices in accordance to the objectives of O'CONNOR. It is well settled that determination of optimum values of cause effective variables such as the cement content of the strip and its effect on the absorbent capacities is within the skill of one practicing the art. In re Boesch, 205 USPQ 215 (CCPA 1980).

2. Applicant's arguments, see page 7 of remarks, filed June 19, 2006, with respect to claims 7 and 10 have been fully considered and are persuasive. The rejection of claims 7 and 10 further in view of PLATT has been withdrawn. It is noted that the LAM et al. (US 6,918,232 B2) reference cited in the previous action teaches welding the end of webs of air laid materials containing bicomponent fibers, however, it fails to teaches a piece of splicing material that comprises a carded web of bicomponent fibers.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'CONNOR (WO 99/59907) in view of ROSLUND (US 2,428,097) as stated in the previous action.

O'CONNOR discloses a strip used for an absorbent product that is made continuous by splices with are stitched across butting ends (19, 20) of the strip. In this way the spliced portions (A) of the strip can be used in the products without compromising the absorbency at the splices.

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(Abstract, Figures 1, 2 and 3, and also refer to page 11, fourth paragraph) The reference teaches that the strip is a nonwoven material or an air laid cellulosic material. (Page 4, first paragraph) The reference teaches assembling the strip into a product for use in moisture absorption such as for feminine hygiene products or diapers in which it is covered by at least one layer, preferably including one or more top and bottom layers so that the strip is not visible by the end user. (Page 16, second paragraph). The Examiner equates such layer to the claimed body side liner. The reference discloses the invention substantially as claimed.

However, it does not disclose the claimed splice structure in the article.

ROSLUND teaches a cement seam for drier felts of such character that the porosity and moisture absorbing capacity of the felt at the seam will be maintained to a large degree so that such area as well as other areas of the felt may take up the moisture driven out of the paper. (Col. 1, 8-14; Col. 2, lines 33-34) The reference teaches splicing a first portion of absorbent material to a second portion of absorbent material to form a longer, continuous length of absorbent material suitable for uninterrupted sequential infeed to a processing machine. ROSLUND teaches placing a trailing end of a first portion, a, adjacent a leading end of a second portion, b; aligns the trailing end of the first portion with the leading end of the second portion and attaches a piece of the splicing material, 10, to the trailing end of the first portion and the leading end of the second portion using a solvent and pressure. (Col. 4, lines 16-40) It is the Examiner's interpretation that the splicing material of ROSLUND has a fluid permeability at least about as great as a fluid permeability of the first portion of the absorbent material and at least about as great as a fluid permeability of the second portion of the absorbent material.

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(Refer to Col. 1, lines 8-14, 36-54; col. 2, lines 27-42; Col. 3, lines 11-22, line 71 to Col. 4, line 14).

It would have been obvious to one of ordinary skill in the art to use the splice structure of the ROSLUND in the article of the O'CONNOR to provide an acceptable splice in a finished product that in this case will be an alternative splice structure that does not require stitching and that further maintains the fluid permeability of the absorbent material within the splice.

5. Claims 6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'CONNOR (WO 99/59907) in view of ROSLUND (US 2,428,097) as applied above, and further in view of PLATT (US 2,495,761) as stated in the previous office action.

The prior art of O'CONNOR and ROSLUND fails to teach that the splicing material is thermally bonded.

PLATT shows a splicing material comprising a vinylidene chloride web, which is heat softenable (Col. 1, line 52 to Col. 2, line 8). It is further noted that the reference teaches the use of fibers made of vinylidene chloride and vinyl chloride and the use of open mesh fabrics. (Refer to Col. 1, lines 33-36 and col. 3, lines 10-21) It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the solvent softenable splicing material of ROSLUND with the heat softenable splicing material of PLATT because they are both shown to be effective splicing materials for splicing absorbent webs.

Allowable Subject Matter

6. Claims 7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach a personal care absorbent article of the present invention with a carded web comprising bicomponent fibers forming the splicing material.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-5:00 pm and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Norca L. Torres-Velazquez
Primary Examiner
Art Unit 1771

August 25, 2006